

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2008-009723

05/07/2009

HON. MARK F. ACETO

CLERK OF THE COURT

M. Sahli

Deputy

PAULINE GILSON, et al.

FRANCIS G FLEMING

v.

JOHN KEMMERIES, et al.

SCOTT W HULBERT

JOEL GORDON BITOW
NO ADDRESS ON RECORD
HELEN BOGER
NO ADDRESS ON RECORD
HELEN BOYER
NO ADDRESS ON RECORD
IVAN BRAUER
NO ADDRESS ON RECORD
GILLES BRU
NO ADDRESS ON RECORD
KRISTOF CAPPOEN
NO ADDRESS ON RECORD
STEPHEN M DICHTER
JIM HUNTER
NO ADDRESS ON RECORD
JEN IRWIN
NO ADDRESS ON RECORD
JAWER COOK ISLANDS LTD
NO ADDRESS ON RECORD
DESERT GYPSY L L C
NO ADDRESS ON RECORD
JAMES H MARBURGER
IVAN K MATHEW
RHONDA MICHAELS
NO ADDRESS ON RECORD
POV MOE

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NO ADDRESS ON RECORD
ISMAEL MORENO
NO ADDRESS ON RECORD
JULIANNE MARIE POTTER
NO ADDRESS ON RECORD
KATE RICHTER
NO ADDRESS ON RECORD
BOMBARDIER - ROTAX GMBH & CO
NO ADDRESS ON RECORD
CIVIL COURT ADMINISTRATOR
COURT ADMIN-CIVIL-CCC
DEPUTY CT ADMINISTRATOR,
COURTWIDE SERVICES
DOCKET-CIVIL-CCC
E-FILE CASE MANAGEMENT
FILE ROOM-CSC
FINANCIAL SERVICES-BILLING-CCC
JUDGE BUTTRICK
JUDGE LARRY GRANT

MINUTE ENTRY

On April 10, 2009, Plaintiffs Gilson filed a pleading that includes a “Cross-Motion to Refer to the Complex Litigation Program”. The Court has reviewed the pleadings, including the “Opposition to Plaintiffs’ Motion to Refer this Matter to the Complex Litigation Program”¹ filed by the Kemmeries Defendants on April 10, 2009.

A plaintiff may designate a case to be complex at the time of filing the initial complaint. Rule 8(i)(3). This case has become more complex over time. For example, the “Third Amended Complaint” filed on March 18, 2009, lists more defendants than were listed in the original Complaint. For example, a counterclaim has been asserted. For example, a related lawsuit was ultimately filed and the Court recently granted a motion to consolidate the cases. In a case such as this, where good cause is present, the Court may designate a case to be complex at any time during the pendency of the action. Rule 8(i)(6).

¹ This pleading is entitled a “Motion in Opposition to ...”. The Court will treat this pleading as a response because, in substance, the pleading is a response, not a motion.

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The Court has considered the pleadings. Pursuant to Rule 8(i), and good cause appearing,

IT IS ORDERED designating this now-consolidated case to be a complex civil case. Further,

IT IS ORDERED reassigning this case from the Honorable Larry Grant to the Honorable John Buttrick.

It is requested that Judge Buttrick consider setting a Rule 16.3 Case Management Conference sometime within the next 45 days.

A separate notice will issue setting the date for commencement of mandatory e-filing. If this is not yet an eFiling case, filing by conventional means shall continue until that date.

Pursuant to Maricopa County Superior Court Administrative Order No. 2002-127, all parties are responsible for a complex case fee in the amount of \$500.00, which is in addition to the appearance fee. The complex case fee will be billed and collected by the Clerk of the Superior Court.

/ s / HON. MARK F. ACETO

JUDICIAL OFFICER OF THE SUPERIOR COURT